

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
NO. 3:20-CV-00372-FDW-DSC**

**TOTAL PETROCHEMICALS AND
REFINING USA, INC.,**

Plaintiff,

v.

**RSI LEASING, INC.
RSI LOGISTICS, INC.,**

Defendants.

ORDER


THIS MATTER is before the Court on the Parties' Motions for Partial Summary Judgment. (Doc. Nos. 40, 41). Plaintiff and Defendants seek summary judgment as to liability on Plaintiff's remaining claims for negligence, gross negligence, and punitive damages. The applicable standard of review for these motions is well-settled: "An award of summary judgment is only appropriate if the record demonstrates that 'there is no genuine dispute as to any material fact and that the movant is entitled to judgment as a matter of law.'" United States v. Ancient Coin Collectors Guild, 899 F.3d 295, 312 (4th Cir. 2018) (quoting Fed. R. Civ. P. 56(a)).


RSI Leasing does not oppose Plaintiff's Motion for Summary Judgment as to liability for negligence only; however, RSI Logistics opposes Plaintiff's Motion for Summary Judgment in its entirety. (Doc. No. 46, pp. 1-2). Plaintiff maintains RSI Leasing and RSI Logistics are one in the same, and one Defendant's admission of negligence binds the other. (Doc. No. 47). Thus, despite RSI Leasing's concession as to negligence liability, there appears to be a genuine dispute as to whether RSI Leasing and RSI Logistics are legally distinct and whether the actions of one binds the other. The evidence before the Court demonstrates significant questions of fact remain

as to Plaintiff's claims for negligence, gross negligence, and punitive damages against both RSI Leasing and RSI Logistics. Accordingly, the Court DENIES the Parties' Motions for Summary Judgment. (Doc. Nos. 40, 41).

Given this decision and the matters currently docketed for trial in two weeks, the Court will in its discretion *sua sponte* continue this case from the September 13, 2021, trial term to the trial term beginning November 1, 2021. The parties' jointly-prepared pretrial submissions shall be due October 8, 2021. The Court will set a pretrial conference at a later date.

IT IS SO ORDERED.


Frank D. Whitney
United States District Judge



Signed: August 31, 2021